Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, ' 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number	Effective Date	Expiration Date
VA-20302	January 1, 2000	January 1, 2005

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Old Virginia Brick Co. - Salem Plant
Mailing Address:	P. O. Box 508 Salem, VA 24153
DEQ Registration Number: AIRS ID Number: Facility Location:	20302 51-161-0001 2500 West Main Street Salem, Virginia

Permit issued this 27th day of December, 1999.

Dennis H. Treacy, Director
Department of Environmental Quality

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Old Virginia Brick Co. - Salem Plant
Title V Operating Permit Table of Contents

Part I -- Facility Information

Permittee
Old Virginia Brick Co.
P. O. Box 508
Salem, VA 24153

Facility Location
Old Virginia Brick Co. - Salem Plant
2500 West Main Street
Salem, Virginia

Responsible Official
Fletcher Smoak
President
(540) 389-2357

Contact Person
William F. Walker
Vice President Engineering/Division Manager
(804) 929-6411

DEQ Registration Number: 20302
AIRS Identification Number: 51-161-0001

Facility Description: SIC code number 3251 - This plant primarily manufactures common face bricks, as well as small amounts of glazed brick and special shapes. DEQ's files indicate that the plant, which has been a registered source since 1972, has been in existence since 1890. The facility received a state NSR permit, dated October 5, 1977, to switch its two brick tunnel kilns from a mixture of gas and oil to primarily coal. However, oil can no longer be burned since the installation of high velocity gas burners in 1985, and the 1977 permit allowing coal to be burned has recently been rescinded at the company's request. In 1995 the facility added the capability to burn propane in addition to natural gas. The facility also received an October 2, 1987 NSR permit to construct and operate a replacement sand dryer and related equipment.

The facility is a T5 major source due to its potential to emit 18.5 tons/year of hydrogen fluoride (HF). (The facility also has a potential to emit over 100 tons/year of particulate matter (PM) but less than 100 tons/year of PM-10, so it is not T5 major for PM-10.) Actual 1997 emissions of HF were 10.6 tons/year. The fluorine content of the raw material is the precursor for HF, which is emitted from the kilns (KIL3 and KIL4). Hydrogen chloride (HC) is also emitted from the kilns, but the potential to emit is less than 10 tons/year and is therefore not major. Actual 1997 emissions of HC were 4.9 tons/year. PM and PM-10 is emitted from all listed emissions units at the plant (see Table 2), with the majority of PM coming from crushing and screening operations (CRSC) as fugitive emissions and most of the PM-10 being emitted from the kilns. Baghouses control particulate emissions from the sand dryer (SD), the Plant 3 brick molding machine (DRY3), miscellaneous sand plant and blender plant equipment, and each of the pneumatic transfers of material to the 4 silos and 2 receivers. The plant's SO_2 emissions are due to firing of natural gas (primarily) or propane in the sand dryer, batch drying ovens and tunnel kilns, as well as the presence of sulfur compounds in the brick raw material.

PSD and non-attainment permitting do not apply, and the plant is not currently a PSD major source, but it is a T5 major source due to potential emissions of a single HAP (HF) in excess of 10 tons/year. The area is in attainment for all criteria pollutants. None of the NSPSs, NESHAPs or MACTs are applicable at this time; future modifications may subject the facility to NSPS Subpart OOO or UUU, and it is not yet known whether the facility will be subject to the MACT for clay products manufacturing, scheduled for promulgation on November 15, 2000.

Part II -- Emissions Unit Specific Requirements

1. Insignificant Emissions Unit Inventory List

Note: Although not listed in Table 1 (because they are not insignificant with respect to process emissions), the sand dryer and batch drying ovens listed in Table 2 (SD, DRY3 and DRY4) are rated at less than 10 mmBTU input and therefore are insignificant with respect to fuel burning emissions.

Table 1

Emission Unit No.	Emissions Unit Description	Citation	Pollutant Emitted	Rated Capacity
NA	None listed	NA	NA	NA

2. Significant Emissions Unit Inventory List

1. Emissions Units

Note: Rated capacities are provided below for informational purposes only and are not considered to be applicable requirements.

Table 2

Emissions Unit No.	Stack No.	Emissions Unit Description	Manufacturer and Date of Construction (if known)	Size/Rated Capacity
CRSC		Clay crushing, screening, storage	McLanahan 30 x 42 jaw crusher, belt conveyors, screens and covered storage tank; pre-1972	32 tons/hr and 100,000 tons/yr raw material output
SD	01	Gas-fired sand dryer (rotary dryer)	Maxon; 1987	0.875 mmBTU input; 2 tons/hr sand output
DG	01 (ball mill and fluidizer only)	Drying and grinding equipment (sand plant): Elevator, scalping screen, ball	Unknown mfg. and date	2 tons/hr sand output

Emissions Unit No.	Stack No.	Emissions Unit Description	Manufacturer and Date of Construction (if known)	Size/Rated Capacity
		mill, fluidizer		
BM	01 (weigh batcher, blender & fluidizer only); 1BV - 4BV (4 silos only)	Blending and mixing equipment (sand plant): Weigh batcher, blender, fluidizer, 4 silos, 2 receivers	Unknown mfg. and date	2 tons/hr sand output
DRY3	02 - 04 (drying oven only); 15 (brick molding machine only)	Plant 3 brick molding machine and gas-fired batch drying oven	1960	4 mmBTU/hr input to DRY3; 17.5 tons/hr wet brick input to DRY3 & 120,000 tons/yr input to BOTH dryers (DRY3 and DRY4)
DRY4	05 - 08 (drying oven only)	Plant 4 brick molding machine and gas-fired batch drying oven	1965	4 mmBTU input to DRY4; 19 tons/hr wet brick input to DRY4 & 120,000 tons/yr input to BOTH dryers (DRY3 and DRY4)
KIL3	09 - 10	Plant 3 gas-fired kiln dryer and tunnel kiln	1960	26 mmBTU input to KIL3; 10.4 tons/hr dry brick output from KIL3 & 100,000 tons/yr output from BOTH kilns (KIL3 and KIL4)
KIL4	11 - 12	Plant 4 gas-fired kiln dryer and tunnel kiln	1965	26 mmBTU input to KIL4; 5.4 tons/hr dry brick output

Emissions Unit No.	Stack No.	Emissions Unit Description	Manufacturer and Date of Construction (if known)	Size/Rated Capacity
				from KIL4 & 100,000 tons/yr output from BOTH kilns (KIL3 and KIL4)

2. Pollution Control Equipment

Note: Rated capacities and control efficiencies are provided below for informational purposes only and are not considered to be applicable requirements.

Table 3

Stack No./ Emissions Unit No.	Control Equipment Description	Manufacturer and Date of Construction (if known)	Size/Rated Capacity	Pollutant
01/SD,DG,BM (Sand dryer, ball mill, 2 fluidizers, weigh batcher and blender)	Baghouse	Torit Model TT-770 (serial BB-1919); 1987	99% design control efficiency	Particulate
1BV - 4BV/BM (Pneumatic conveying to silos 1-4)	4 baghouses (one for each silo)	Griffin 36IS; 1987	99% design control efficiency	Particulate
15/DRY3 (Brick molding machine)	Baghouse	Unknown mfg. and date	99% design control efficiency	Particulate

3. Emission Rate Limitation Summary

Table 4

Unit ID	Permit Condition or Regulatory Citation	PM-10		NOx		SO_2		CO		VOC	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
SD	Table 6	1.7	1.8	-	-	-	-	-	-	-	-
DRY3	Table 7	27.9	-	-	-	-	-	-	-	-	-
DRY4	Table 8	29.5	-	-	-	-	-	-	-	-	-
KIL3	Table 9	19.7	-	-	-	-	-	-	-	-	-
KIL4	Table 10	12.7	-	-	-	-	-	-	-	-	-

Table 5

Unit ID	Permit Condition or Regulatory Citation	Total HAPS		Hydrogen Fluoride		Hydrogen Chloride	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
All units	NA	-	-	-	-	-	-

4. Emissions Unit Specific Permit Terms (Non-NSPS)

1. Limitations

1. Emissions from the operation of the sand dryer shall not exceed the limits specified below (Table 6):

Table 6

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
PM-10	1.7	1.8		10/2/87 NSRPC 5	Material

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
					balance

NSR PC = NSR permit condition

Annual emissions from the sand dryer shall be calculated as the sum of each consecutive twelve (12) month period.
(9 VAC 5-50-260, 9 VAC 5-80-110, 10/2/87 NSRPC 5)

2. Emissions from the operation of the Plant 3 batch dryer shall not exceed the limits specified below (Table 7):

Table 7

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
PM-10	27.9			9 VAC 5-40-260	Material balance

(9 VAC 5-40-260, 9 VAC 5-80-110)

3. Emissions from the operation of the Plant 4 batch dryer shall not exceed the limits specified below (Table 8):

Table 8

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
PM-10	29.5			9 VAC 5-40-260	Material balance

(9 VAC 5-40-260, 9 VAC 5-80-110)

4. Emissions from the operation of the Plant 3 tunnel kiln shall not exceed the limits specified below (Table 9):

Table 9

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
PM-10	19.7			9 VAC 5-40-260	Material balance
Sulfur dioxide			2.64 lbs/ million Btu input (hourly emission limit)	9 VAC 5-40-280	Fuel use restriction (natural gas or propane)

(9 VAC 5-40-260, 9 VAC 5-40-280, 9 VAC 5-80-110)

5. Emissions from the operation of the Plant 4 tunnel kiln shall not exceed the limits specified below (Table 10):

Table 10

Regulated Pollutant	Limitation/Standard			Applicable Requirement	Reference Method
	lb/hr	tons/yr	other		
PM-10	12.7			9 VAC 5-40-260	Material balance
Sulfur dioxide			2.64 lbs/ million Btu input (hourly emission limit)	9 VAC 5-40-280	Fuel use restriction (natural gas or propane)

(9 VAC 5-40-260, 9 VAC 5-40-280, 9 VAC 5-80-110)

6. The monthly throughput of sand to the sand dryer shall not exceed 400 tons.
(9 VAC 5-170-160)

7. The annual throughput of sand to the sand dryer shall not exceed 4160 tons, calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-170-160, 10/2/87 NSRPC 4)

8. Visible emissions from the sand dryer and related equipment shall not exceed five percent (5%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A) except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity.
(9 VAC 5-80-110, 9 VAC 5-170-160, 10/2/87 NSRPC 5 and 6)

9. Particulate emissions from the sand dryer and all related equipment shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection.
(9 VAC 5-80-10 H, 9 VAC 5-50-260, 10/2/87 NSRPC 7)

10. The approved fuels for the sand dryer, batch drying ovens and tunnel kilns are natural gas and propane. A change in fuel may require a permit to modify and operate.
(9 VAC 5-170-160)

2. Testing

NA

3. Monitoring (Also see Recordkeeping and General Permit Conditions)

The monitoring requirements for this section are satisfied by the recordkeeping requirements in this section and by General Permit Conditions in the Facility-Wide and General Requirements section.

4. Reporting (Also see General Permit Conditions)

NA

5. Recordkeeping (Also see General Permit Conditions)

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with the conditions in this section. The content of and format of such records shall be arranged with the Director, West Central Regional Office. These records shall include, but are not limited to:

1. The monthly throughput of sand to the sand dryer.

2. The annual throughput of sand to the sand dryer, calculated monthly as the sum of each consecutive twelve (12) month period.

3. The throughput of bricks to each batch dryer and tunnel kiln, per batch, and duration of each batch.

4. The annual throughput of natural gas or propane (in million cubic feet) to the two tunnel kilns (combined), calculated monthly as the sum of each consecutive twelve (12) month period.

5. The pollutant-specific emission factors relied upon for the purpose of calculating actual emission rates, and associated equations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110 E & F)

Part III -- Facility-wide and General Requirements

5. Facility-Wide Conditions and Permit Terms

1. Existing Source Standard for Visible Emissions

Unless otherwise specified in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. This standard is applicable to all emission units except for sand dryer and related equipment (see New Source Standard for Visible Emissions, below).
(9 VAC 5-40-80, 9 VAC 5-40-320, 9 VAC 5-170-160)

2. New Source Standard for Visible Emissions (Also see Emissions Unit Specific Permit Terms)

Unless otherwise specified in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A), except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. This standard is applicable to the following emissions units: sand dryer exhaust stack (SD) and related equipment.
(9 VAC 5-80-110, 9 VAC 5-170-160, 10/2/87 NSRPC 5 and 6)

3. Other Standards for Visible Emissions

NA

4. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition;

3. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion; and

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90)

5. Startup, Shutdown and Malfunction (Also see General Permit Conditions, "Malfunction as an Affirmative Defense")

At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-380, 9 VAC 5-50-20, 9 VAC 5-20-180)

6. Startup, Shutdown and Malfunction - Opacity Limits

The opacity limits in this permit apply at all times except during periods of startup, shutdown, malfunction and as otherwise provided in this permit.

(9 VAC 5-50-20)

6. General Permit Conditions

1. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

2. Monitoring (Also see Emissions Unit Specific Permit Terms)

Visible emissions: Each emissions unit with a visible emissions requirement in this permit shall be observed visually at least once each calendar week for at least a brief time period to determine which operating emissions units have any visible emissions (does not include condensed water vapor/steam), using 40 CFR 60 Appendix A Method 22 techniques, unless a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the emissions unit. The following is applicable to all emission units except for sand dryer and related equipment: Each emissions unit observed with Method 22 observation techniques having any visible emissions shall be followed up with a Method 9 visible emissions evaluation unless the visible emission condition is corrected, recorded, and the cause and corrective measures taken are recorded. The following is applicable to the sand dryer and related equipment: Each emissions unit observed with Method 22 observation techniques having any visible emissions shall be followed up with a Method 9 visible emissions evaluation unless the visible emission condition is corrected such that no visible emissions are present, recorded, and the cause and corrective measures taken are recorded.
(9 VAC 5-80-110 E)

3. Recordkeeping and Reporting (Also see Emissions Unit Specific Permit Terms)

1. Records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall include, where applicable, the following:

1. The date, place as defined in the permit, and time of sampling or measurements.

2. The date(s) analyses were performed.

3. The company or entity that performed the analyses.

4. The analytical techniques or methods used.

5. The results of such analyses.

6. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)

2. Records shall be maintained of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour.
(9 VAC 5-20-180)

3. All records required by this permit shall be retained for at least five (5) years, including retaining records of all monitoring data and support information for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F, 9 VAC 5-50-360, 9 VAC 5-50-50)

4. Reports of required monitoring shall be submitted at least as often as every six (6) months and shall be postmarked by the 30th day following the end of each December and June. If intermediate reports are also elected to be submitted, they shall be postmarked by the 30th day following the end of March and September. All deviations from permit requirements must be clearly identified in any report required by any condition of this permit. For purposes of this permit a Adeviation@ means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring. All monitoring reports submitted as required by this permit must be certified by a responsible official consistent with 9 VAC 5-80-80 G.
(9 VAC 5-80-110 F, 5 VAC 9-50-360, 9 VAC 5-50-50)

5. For each required continuous monitoring system, the report shall include for each period of excess emissions the commencement and completion dates and times, and the magnitude of excess emissions and conversion factors used. Specially identify each period of excess emissions that occurs during startups, shutdowns, malfunctions, and the

cause of any malfunction (if known) and the corrective action and preventive measures taken.

Identify the dates and times for each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs and adjustments.

The report shall state when no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted.
(9 VAC 5-50-50)

4. Failure/Malfunction Reporting (Also see Emissions Unit Specific Permit Terms)

If, for any reason, any affected facility or related air pollution control equipment fails or malfunctions and may cause excess emissions for one (1) hour or more, the owner shall notify the Director, West Central Regional Office within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 2 weeks, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown. This failure/malfunction reporting is in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250, 9 VAC 5-50-380, 9 VAC 5-20-180)

5. Permit Deviation Reporting

The permittee shall provide a written statement, within 2 weeks, to report any deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.
(9 VAC 5-80-110 F.2)

6. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

7. Duty to Comply

The permittee shall comply with all terms and conditions of this permit including those terms and conditions set forth in tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

8. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

9. Permit Action for Cause

This permit may be modified, revoked, reopened and reissued, or terminated as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)

10. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

11. Duty to Submit Information

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality. (9 VAC 5-80-110 G.6)

2. Annual requirements to fulfill legal obligations to maintain current stationary source emissions data and to determine annual permit fees will necessitate your prompt response to requests for information to include, as appropriate: process and production data; changes in control equipment; and emissions information.
(9 VAC 5-80-110 M and 9 VAC 5-20-160)

3. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

12. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

13. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

14. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
(9 VAC 5-80-110 I)

15. Emissions Trading

NA

16. Alternative Operating Scenarios

NA

17. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

C Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

C Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

C Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

C Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

18. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ within 60 days of the end of each calendar year a certification of compliance with all terms and conditions of this permit including emission limitations, standards, or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to ' 114(a)(3) and ' 504(b) of the Clean Air Act. This certification shall be signed by a responsible official consistent with 9 VAC 5-80-80 G and shall include:

C A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C The identification of each term or condition of the permit that is the basis of the certification.

C The compliance status.

C Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

C Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

C Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

19. Reopening For Cause

1. The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the

applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

2. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

3. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

4. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

20. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

21. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the

board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

22. Permit Expiration and Renewal

Permit expiration terminates the source=s right to operate unless a timely and complete renewal application has been submitted consistent with 9 VAC 5-80-80. For purposes of permit renewal, the owner shall submit an application at least six (6) months but no earlier than eighteen (18) months prior to the date of permit expiration.
(9 VAC 5-80-170 B, 9 VAC 5-80-80 C.3)

23. Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

C A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

C The permitted facility was at the time being properly operated.

C During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

C For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in this permit a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b. to promptly report deviations from permit requirements.

In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
(9 VAC 5-80-250)

24. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of this article. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

7. Compliance Certification and Schedule

NA

8. Permit Shield

Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been explicitly deemed to be not applicable to this permitted facility:

Table 11

Citation	Title of Citation	Description of applicability
NA		

Nothing in this permit shield shall alter the provisions of ' 303 of the Clean Air Act (emergency orders), including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information from the owner by (i) the Administrator pursuant to ' 114 of the Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

9. State-Only Requirements

NA